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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

LEO DAVIS,

Plaintiff;

vs.

FONIX CORPORATION, a corporation;
SPEECHFX, INC., a corporation; **DJP**
ASSET MANAGEMENT, INC., a
corporation; and **ROGER D. DUDLEY**,
an individual;

Defendants.

**PLAINTIFF'S RESPONSE TO
COURT'S ORDER TO SHOW CAUSE**

Case No. 2:15-cv-00251-TS
Judge Ted Stewart

Pursuant to this Court's October 7, 2015, Order to Show Cause, Plaintiff Leo Davis (“Mr. Davis”), by and through his attorneys, responds as follows:

1. Mr. Davis filed the Complaint in the above-captioned action on April 13, 2015, against Defendants Fonix Corporation; SpeechFX, Inc.; DJP Asset Management, Inc.; and Roger D. Dudley.
2. On August 6, 2015, Mr. Davis' counsel emailed counsel for Defendants, requesting that counsel waive service for all Defendants. *See* counsel's August emails, attached as

Exhibit 1.

3. On August 10, 2015, Defendants' counsel returned an executed waiver of service for all Defendants. *See* Ex. 1; *see also* Waiver of Service form, dock. no. 4.
4. Throughout this time, counsel for both parties have continued settlement negotiations, which are still ongoing.
5. The deadline for Defendants' Answer was October 6, 2015.
6. After receiving this Court's Order to Show Cause, Mr. Davis' counsel filed Defendants' Waiver of Service with this Court. Dock. no. 4.
7. While settlement negotiations between the parties are ongoing, Mr. Davis has fulfilled his obligations to date, and is still waiting for Defendants to file their Answer. *See* counsel's October emails, attached as Exhibit 2.
8. Because Mr. Davis and his counsel have acted with due diligence, this Court should Order Defendants to file their Answer within seven (7) days.

DATED this 20th day of October, 2015.

HOLLINGSWORTH LAW OFFICE, LLC

/s/ Ashley F. Leonard

Ashley F. Leonard

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a copy of **PLAINTIFF'S RESPONSE TO COURT'S ORDER TO SHOW CAUSE** was served via the court's CM/ECF filing system this 20th day of October, 2015, to the following:

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